

QUESTIONS OF THE DAY. No. LI.

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# AMERICAN PRISONS

IN THE

## TENTH UNITED STATES CENSUS

A PAPER

BY

FREDERICK HOWARD WINES

SECRETARY OF THE BOARD OF STATE COMMISSIONERS OF PUBLIC CHARITIES FOR THE  
STATE OF ILLINOIS, SECRETARY OF THE NATIONAL PRISON ASSOCIATION,  
SPECIAL AGENT OF THE TENTH CENSUS, ETC., ETC.

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Read before the National Prison Association at its Annual Meeting, in Boston,  
July 14, 1888.

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NEW YORK AND LONDON  
G. P. PUTNAM'S SONS  
The Knickerbocker Press  
1888

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Press of  
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New York

## AMERICAN PRISONS IN THE TENTH CENSUS.

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After so many years, the tabular statements relating to the defective, dependent, and delinquent classes, which were prepared by me, while I was in the census office, have been put in type, though they have not yet been published.

The statistics of crime in the United States are deplorably meagre and inadequate. When compared with the criminal statistics of the nations of Europe, especially with the judicial statistics of Great Britain, they may almost be said to be disgraceful to us as a people. No function of government is of greater consequence than the prevention and repression of crime; and a government fully alive to its responsibilities in this direction would anxiously watch the indications of the growth or diminution of the tendency to crime, to be found in the criminal proceedings of courts of superior and inferior jurisdiction, and in the records of prisons of all grades, from the lowest to the highest.

But, under our peculiar double system of federal and state government, the offenses which are punishable under the federal statutes are few in number. The list includes treason, mutiny, desertion, counterfeiting, and violations of the election laws, of the postal laws, and of the laws for the collection of revenues—smuggling, illicit distillation, and the like. The methods of dealing with crimes in general are, by our federal constitution, relegated to the individual states and territories. The congressional criminal code is in force only in the District of Columbia, and in such other territorial limits as are wholly within the jurisdiction of the general government.

The result of this peculiar arrangement is great confusion

and inconsistency in the American criminal statutes. The statutory penalties prescribed and enforced are, in many instances, very dissimilar. I have devoted much study to this branch of the subject, and I hope to be able at some time in the future to render the necessity for a uniform criminal code for the entire nation more apparent than it now is. The difference between a code like that of South Carolina, where rape and arson of an inhabited dwelling are punishable by death, and that of a state in which capital punishment is prohibited, is immense. There is no uniformity as to the limit between petit and grand larceny: of two thieves, living within a mile of each other, but on different sides of the boundary line that separates two states, who steal property of precisely the same identical value, one is sent to a county jail for a term of days, and the other to a penitentiary for a term of years. The imprisonment of convicted felons is unlike in its character and its duration. In most of the southern states the lessee system is in force, and in Georgia it is carried to such an extreme, that the state maintains no penitentiary of its own, but places all its convicts in the hands of private parties. In some states prison industries are carried on by the aid of contractors, who invest their private capital in manufacturing enterprises within prison walls, while in other states contract convict labor is forbidden by the statutes, or even (as in Illinois) by the state constitution. Some states have commutation laws, the effect of which is to shorten the term of sentence, in consideration of the good behavior of the prisoner; other states have none; and the commutation laws of different states are constructed on different principles, and vary greatly in the degree of their respective liberality. There are a few states which have engrafted conditional liberation and the indeterminate sentence into their criminal jurisprudence; in others, the attempt to enact a statute of conditional liberation would be regarded as a subversion of the fundamental principles of the criminal law, and a direct threat to the administration of criminal justice. The wonderful flexibility of our political system is attended by

great advantages ; it affords abundant opportunity for experiments in criminal legislation, and for observation of the results of such experiments. But, on the other hand, the student of American criminal codes, after reading the statute-books of the general government, and of thirty-eight states and nine territories, is forced to conclude that the criminal law, instead of being (as many suppose) an exact science, is, in many particulars, absurd, self-contradictory, and destitute of any real basis of equity.

There is, and can be, no hope of the collection and collation of the statistics of criminal procedure in courts of criminal jurisdiction, until the general government shall undertake this important and useful task. They might be collected and published by the Department of Justice, if Congress would confer the necessary authority upon this Department, and make the requisite appropriation. So long as this is not done, we are shut up to the consideration of such statistics as are afforded by the annual and biennial reports of state prisons. There are some states which do not even print a prison report. I may be in error, but I think that this is true of Arkansas and Louisiana. An examination of such reports as I have been able to accumulate, for a long term of years past, has led me to express the conviction that, judging by the number of commitments, year by year, to our penitentiaries and state prisons, crime has increased, in the United States, relatively to the population, since the war (or within the past twenty years) by not less than one third. This is a statement of grave importance, if true ; and there should be, somewhere, the means of verifying or disproving it. Better criminal statistics are, for this country, a governmental necessity.

When the Tenth Census was taken, a list of prisons was prepared, and a special schedule sent in advance to each of them, with a request that the officers in charge should, instead of awaiting the visit of the census enumerator, make the proper entries, in person, from the prison records. This request was very generally complied with. Among the questions asked, was one as to the offense charged, and another

as to the term of sentence. In the present paper I propose to give a general view of the information obtained in response to these inquiries, as well as to those of a more general character, relating to sex, nativity, race, age, etc., of prisoners.

The number of prisoners in the United States, June 1, 1880, not including the inmates of reformatory institutions for juvenile delinquents, was 58,609. The number of juvenile delinquents reported was 11,468. The total number, therefore, of criminals and quasi-criminals, taken together, was 70,077.

Of the 58,609 prisoners, properly so-called, 30,659 were found in penitentiaries; 7,865 in workhouses and houses of correction; 12,691 in county jails; 1,666 in city prisons; 499 in military prisons; 350 in hospitals for the insane; and 4,879 were leased out to private parties.

The population of the United States is divided, in the census, into what are technically known as "the six elements" of population, namely: The native whites, male and female; the foreign-born whites, male and female; and the colored, (including Chinese, Japanese, and civilized Indians), male and female. Following this analysis, there were 28,048 native white male prisoners; 1,708 native white female prisoners; foreign-born white, male, 10,056; female, 2,049; colored, male, 15,500; female, 1,248. By combining these figures, it will be seen that there were in all 53,606 male and 5,005 female prisoners; 45,802 native and 12,807 foreign-born; 41,861 white and 16,748 colored.

When these numbers are compared with the total population, it appears that the ratio of prisoners to the population is 1 to every 855 inhabitants, or 1,169 to the million (.001,169). The ratio of male prisoners to the male population is 1 to 476, or .002,101; of female prisoners to the female population, it is 1 to 4,922, or .000,203; of natives, 1 to 949, or .001,054; of foreign-born, 1 to 521, or .001,917; of white, 1 to 1,036, or .000,964; of colored, 1 to 403, or .002,480. The highest ratio is that for the colored population; the next highest for males; then come, in order, for the foreign-



born, the native, the white, and the female, the latter being very much the lowest. Some remarks on these ratios will be made by me, further on, in the discussion of offenses committed.

At this point, however, attention must be called to the great apparent increase in the numbers of prisoners, relatively to the population, within the last ten years. In 1870 the ratio of prisoners to the population, as reported in the census, was only .000,853. It cannot be too often repeated, that this apparent increase is only in part actual. Much of it is due to improved methods and greater care in taking the census. But that it represents a real increase, either in the amount of crime committed, or in the amount of punishment inflicted, can scarcely be doubted, when it is considered that the growth of the prison population has been progressive, since the year 1850. In that year, the census showed a percentage of .000.290 ; but, in 1860, of 000.607 ; The percentage of foreign-born prisoners, as compared with that of natives, is very much less now than it was in 1850 ; now it is a little less than double, but then it was more than five times, that of native prisoners. In other words, the increase of crime has been very much greater among the native than among the foreign population. The emigrants whom we are receiving now are probably no worse, on the average, than those of thirty years ago, and possibly they are even better.

There is no novelty in the observation that cities attract criminals and breed crime. But it derives additional confirmation from the fact that the thirty-two cities of this country which contain more than fifty thousand inhabitants each, and whose aggregate population is 7,158,827, report 19,143 prisoners, which is at the rate of 1 to 373, or .002,677. The ratio of prisoners in cities is two and one fourth times as great as in the country at large. This is due, first, to the accumulation of property in cities, where it can be conveniently attacked by the predatory class ; second, to the density of population in cities, which lead to intemperance, disorder, and quarrels ; third, to the increased num-

ber of municipal regulations rendered necessary by city life, which is the occasion of more frequent arrests for offenses not properly classed as crimes. The attraction which the city has for habitual criminals may be further attributed to the certainty of finding there congenial associates and confederates in crime, and the supposed greater immunity which they enjoy, in the city, from detection and detention.

The following statement exhibits the individual ages of prisoners :

Under one year	1	Thirty-two years	1,540	Sixty-four years	91
One year	7	Thirty-three	1,251	Sixty-five	132
Two years	1	Thirty-four	1,086	Sixty-six	82
Three	2	Thirty-five	1,807	Sixty-seven	64
Four	3	Thirty-six	1,145	Sixty-eight	60
Five	2	Thirty-seven	934	Sixty-nine	49
Six	4	Thirty-eight	1,042	Seventy	77
Seven	3	Thirty-nine	825	Seventy-one	27
Eight	4	Forty	1,614	Seventy-two	27
Nine	9	Forty-one	559	Seventy-three	30
Ten	21	Forty-two	707	Seventy-four	10
Eleven	28	Forty-three	542	Seventy-five	22
Twelve	72	Forty-four	474	Seventy-six	8
Thirteen	95	Forty-five	811	Seventy-seven	12
Fourteen	205	Forty-six	460	Seventy-eight	15
Fifteen	292	Forty-seven	443	Seventy-nine	14
Sixteen	611	Forty-eight	509	Eighty	15
Seventeen	1,000	Forty-nine	377	Eighty-one	5
Eighteen	1,833	Fifty	821	Eighty-two	3
Nineteen	2,265	Fifty-one	259	Eighty-four	6
Twenty	2,561	Fifty-two	332	Eighty-five	2
Twenty-one	2,803	Fifty-three	272	Eighty-six	4
Twenty-two	3,134	Fifty-four	237	Eighty-seven	1
Twenty-three	3,166	Fifty-five	329	Eighty-eight	1
Twenty-four	3,092	Fifty-six	233	Eighty-nine	1
Twenty-five	3,248	Fifty-seven	168	Ninety	4
Twenty-six	2,656	Fifty-eight	166	Ninety-one	1
Twenty-seven	2,434	Fifty-nine	143	Ninety-two	1
Twenty-eight	2,584	Sixty	307	Ninety-five	1
Twenty-nine	1,865	Sixty-one	107	Ninety-eight	1
Thirty	2,744	Sixty-two	104		
Thirty-one	1,397	Sixty-three	97	Total	58,609

The very young children reported as prisoners are not

prisoners in fact, but are probably the children of prisoners, who have been permitted to remain with their mothers while undergoing sentence. Some of them were no doubt born in prison. It is true, nevertheless, that too many children are committed to prison, for alleged offenses, who have no business to be there. Some of them have not reached the age of legal liability ; and, in any event, their place is in a reformatory institution for children. The states which have not provided such institutions are greatly in fault. And the detention of children in jails, while awaiting commitment to a reformatory institution, is an outrage, from the effects of which they can scarcely be expected to recover ; especially, where the county authorities have failed to make provision for their separate detention, and they are thrown into immediate and unrestricted contact with old and hardened offenders.

A word must also be said on behalf of the very aged prisoners. The number reported, who are over ninety, is 8 ; over eighty, 46 ; over seventy, 283 ; and over sixty, 1,376. Most of these (the thought of whom excites our pity) are probably life-prisoners ; or they have been sentenced for very long terms, amounting, in some instances, to a life-sentence. But the question suggests itself : Is there any real necessity for the detention of these very aged men and women ? Think of 168 women in prison, all of whom are over sixty years of age, and three of them over eighty ! It may be proper to hold them, where they have no home and no friends, as an act of humanity. But imprisonment must have wrought its full effect upon them, and in them ; they cannot be, in view of their infirmity of body and mind, any longer a menace to the security of society ; and one would think that they might be allowed to close their eyes upon the scenes of earth, outside of prison walls. It appears to me that it would be just, as well as humane, to establish, in our criminal codes, a definite age, on arriving at which, every prisoner should be allowed to go free, regardless of the nature of his crime or the length of the sentence pronounced against him.

The average age of prisoners is twenty-nine years and a little more than seven months. A little more than one fourth of them are under twenty-three years of age. Rather more than one third of them are under twenty-five; and more than one half of them are under twenty-eight. Their youth is a very striking fact. It indicates that, even under our imperfect prison system, a very large number of criminals, after reaching middle life, either abandon a career of crime as unprofitable, or they become more cautious and induce or compel younger men to take the active risk of the criminal enterprises in which they are interested, or their lives are cut short by habits of vicious self-indulgence. But the youth of the great majority of those detained in prison ought to be regarded as an incentive and an inspiration to more earnest efforts for their reformation. Very nearly one half of them have passed their twentieth birthday, but are still under the age of thirty years.

The cause of imprisonment, in 58,570 cases, was as follows: Imprisoned for debt, 42; for insanity, 397; detained as witnesses, 80; awaiting trial, 5,657; serving sentence, 52,394; and awaiting execution, 80.

There were but nine states in which debtors were found in a condition of incarceration: New York, 19; Maine, 9; Illinois, 4; Pennsylvania, 3; New Jersey and Rhode Island, 2 each; Michigan, Ohio, and Vermont, 1 each. These are all northern states.

On the other hand, three fourths of those held as insane, in the county jails, against whom there was no criminal charge, were found in the southern states. More than one third of them were in the jails of Virginia and West Virginia, owing to the peculiar lunacy laws of those states, which urgently demand revision and amendment.

The barbarous practice of detaining witnesses in prison survives in at least twenty-three of the states and territories. The largest number is in New York, 31; those which immediately follow in rank are: Ohio, 9; Massachusetts, 10; and New Jersey, 5.

The ratio of prisoners awaiting trial to those serving sen-

tence is about one to ten. The total population of our county jails and city prisons is 14,339. After deducting debtors, lunatics and witnesses, of the remainder, two fifths are awaiting trial, and three fifths have been convicted and sentenced ; but, of the latter, 520 have been sentenced to a higher prison and are awaiting their removal, while 80 are awaiting execution. The number of those awaiting execution, however, bears no proportion, as we shall see, to the number convicted of murder and manslaughter.

The number of United States prisoners is reported as 2,162. Omitting the state of Kansas, (where there is a large military prison at Fort Leavenworth), one half of the federal prisoners were returned from four states, namely : New York, 348 ; District of Columbia (in which the national government exercises general criminal jurisdiction), 191 ; California, 169 ; and Michigan, 162. It has not been the policy of the federal government to own and maintain prisons, (with the exception of the jail and workhouse in the District of Columbia), where it has been possible to arrange for the maintenance of federal prisoners in the prisons belonging to the several states. Owing, perhaps, more to the force of circumstances than to any deliberate intention, it is the owner of four or five territorial prisons, and of two jails, of which one is in Fort Smith, Arkansas, and the other in Sitka, in the newly acquired territory of Alaska. But persons charged with violation of the federal statutes are held, previous to trial, in a local county jail, and, after conviction, are usually sent to some state or territorial prison, or to some municipal house of correction. Some prisons receive them without compensation, other than the profits of their labor ; the government pays to other prisons a stipulated sum, by the day or by the year, for their detention and maintenance. By adopting this method, the government rids itself of the burden of providing suitable quarters for its own prisoners, and throws it upon the states which are willing to accept it. But, at the same time, it evades its proper responsibilities, for it is evident that it cannot exercise the same supervision and control over officials appointed

by the states as over its own officers. The demand that the government should accept and discharge its own pecuniary and other liabilities in this direction grows louder, year by year, and it is probable that very soon Congress will respond to this demand. In that event, it is not unlikely that four federal prisons will be created, one for the prisoners of the northeast, another for those in the northwest, a third for those in the south, and a fourth for those upon the plains and on the Pacific coast. If I might be permitted to hazard a guess as to the probable location of these prisons, it is not unlikely that the first will be in the vicinity of New York, the second in the vicinity of Chicago, the third in the vicinity of Atlanta, and the fourth in that of San Francisco.

I have already said that the number of convicted prisoners serving sentence is 52,394. The thoroughness with which the questions relating to the offenses charged and the penalties inflicted has been answered will be appreciated, when it is understood that the alleged offense has been reported in no less than 53,169 cases, or more than the entire number of convicts; and that the actual sentence imposed has been reported in 45,106 cases. We have, therefore, a sufficient and authoritative basis for a correct estimate of the character of crime committed and of punishment inflicted in the United States.

It was my purpose and desire to have carried this branch of the investigation entrusted to me by the superintendent of the census to a point which, owing to various circumstances, I was unable to reach by the date when the census office was closed and my connection with it terminated. I had intended to collect and publish not only the statistics of prisons, but also of criminal procedure, both in courts of superior and of inferior jurisdiction. With this end in view, I caused to be prepared a complete list of the courts of this country, both state and national, which possess criminal jurisdiction. The result was printed in a preliminary report, which is not included in the volume published under the auspices of the government. I even went so far as to procure a list of justices of the peace in every state and terri-

tory, from a very large majority of whom I succeeded in procuring formal abstracts of their criminal dockets for the year preceding the taking of the census. These returns are in the files of the census office, but have not been tabulated. A form of return for courts of record was prepared by me and approved by the superintendent, but all further work upon the census was suspended, before it could be sent out. That the failure to execute this design was a disappointment to myself, is a matter of no consequence ; I cannot but regard it as a serious loss to the cause of prison reform, and especially of the amelioration of the criminal codes of this country. I also had a thorough study made, (under the direction of my brother, who is a competent attorney, and had competent legal assistance), of the criminal codes of the several states and territories, the special object of which was, first, to obtain a classified list of punishable offenses, of all descriptions ; and, second, to ascertain the corresponding penalties prescribed by law, which it was my design to have tabulated, in such a manner as to admit of easy reference. The analysis of offenses was carried to completion, and the result printed, at my personal expense, in a little pamphlet of 122 pages, entitled "The Nomenclature of Crime, or an Analytical List of Offenses against the Statutes of the United States, and of the Statutes of the Federal Union, by Fred. H. and Walter B. Wines." The plan of this work was suggested by the "Nomenclature of Diseases" prepared for the use of the United States Marine Hospital Service. The list contains 882 titles, besides the subdivisions under them. The general division is as follows. Offenses are classified under five general heads, namely : (1) Against the government ; (2) Against society ; (3) Against the person ; (4) Against property ; (5) Offenses on the high seas. Offenses against the government are subdivided into those which threaten its existence, and those which merely attack its operations ; the latter subdivision is again subdivided into offenses against the currency, against the election laws, against the postal laws, and against the revenue. Offenses against society are classified under five subdivisions,

namely: Against public health, public justice, public morals, public peace, and public policy. After completing this analytical list of offenses, I had a card catalogue made, to correspond with it in form and arrangement, by states, showing which offenses were included in the criminal code of each of them, and what was the penalty enforced, either by statutory enactment, or under the common law. This card catalogue is still in existence, but it has been impossible to make any use of the information obtained as the result of such protracted and laborious research. I mention these facts, not by way of complaint or unavailing regret, but by way of introduction to the remarks which follow, and in the hope that hereafter the work begun in this direction may be renewed, under the auspices of the government, and prosecuted to completion.

Of the 882 offenses included in the list to which reference has been made, there were but 199 for which men and women were found to be undergoing actual imprisonment. There are, of course, in the criminal code, provisions which are, in the language of Bacon, "monitory and minatory," whose value is educational rather than practical, and which may be compared to the reserved thunderbolts in Jove's quiver, which may be useful on occasion, but for which the government has otherwise no real need. There are other statutes and ordinances, the penalty for the violation of which is a simple fine, without imprisonment, which is usually promptly paid, and the offender escapes the incarceration which is the alternative of non-payment.

Following the classification adopted by me for the nomenclature of crime, the following table exhibits, by sex, nativity, and race, the character of the offenses charged against 53,169 inmates of American prisons, on the first day of June, 1880:



Offenses.	Total.	Native white.		Foreign-born white.		Colored.	
		Male.	Female	Male.	Female	Male.	Female
Against the govern- ment . . . . .	1,244	893	1	231	2	116	1
Its existence . . .	391			98		20	
Its operations . .	853	620	1	133	2	96	1
The currency . . .	398	299		81	1	17	
Election laws . . .	14	5		6		3	
Postal laws . . . .	149	115	1	20		12	1
The revenue . . . .	292	201		26	1	64	
Against society . . .	9,663	3,575	998	2,574	1,431	810	274
Public health . . .	3		1	2			
Public justice . . .	426	230	15	60	8	98	15
Public morals . . .	4,768	1,882	600	1,139	729	331	87
Public peace . . . .	3,272	689	243	629	466	238	107
Public policy . . .	2,094	775	139	744	228	143	65
Against the person .	10,887	4,760	150	1,975	84	3,691	227
Against property . .	31,365	16,759	364	4,423	309	9,027	483
On the high seas . .	10	3		5		2	
Totals . . . . .	53,169	25,991	1,513	9,208	1,826	13,656	985

Of the offenses included in the foregoing table, 59 per cent. were against property, 20.5 per cent. against the person, 18.2 per cent. against society, and 2.3 per cent. against the government.

It may be remarked, in passing, that, of the offenses against public justice, 206 are perjury or subordination of perjury, 94 are successful or unsuccessful attempts to escape from prison, 42 consist in resistance to an officer, and 18 in contempt of court.

Of the offenses against public morals, 8,331 are drunkenness and disorderly conduct; 1,137 are varieties of licentiousness, including 121 cases of incest, 63 of bestiality, 257 of bigamy or polygamy, 161 of adultery, and 26 of seduction; 144 are violations of the laws which govern the sale of intoxicating liquors; 51 are cases of cruelty; 50

of gambling; 14 of profanity; and 14 of disturbance of a religious meeting.

Of the offenses against public peace, 1,790 consist in disorderly conduct, in which drunkenness is not alleged; 387 in provoking a breach of the peace; 187 in the unlawful carriage or exhibition of deadly weapons; there are included also 44 cases of threats, 61 riots and affrays, 4 criminal libels, 3 unlawful assemblies, and 1 challenge to fight a duel.

Of the offenses against public policy, 1,941 are vagrancy, 63 bastardy, 37 abandonment of the family, 13 illegal marriages, and 22 consisted in erecting or maintaining a public nuisance.

Of the offenses against the person, 4,007 are murder or manslaughter, 5,000 are assaults of all sorts, 1,017 are rape, 55 are cases of abortion, 31 of mayhem, 30 of abduction, and the rest are of a miscellaneous character.

Of the offenses against property, 17,198 are varieties of larceny, 9,220 of burglary, 827 of arson; 1,736 consist in robbery, 1,139 in forgery, 712 in fraud or embezzlement, 323 in receiving stolen goods, 152 in malicious mischief, and the remainder may be classed as miscellaneous.

The crime charged against men and boys number 48,845; against women and girls, 4,314. The men outnumber the women, very nearly twelve to one. This is partly because women are better than men, and partly because they are more timorous and less aggressive: if a wicked woman wants a crime committed, it is easy for her to get a man to do it for her. Partly, too, the smaller proportion of women who are prisoners is due to the leniency of the officers of the law in dealing with them. Most of the offenses committed by women are not of a serious character. Of 4,324 offenses charged against them, 1,048 are drunkenness, 723 disorderly conduct, 414 vagrancy, 339 licentiousness or indecency, 97 breach of the peace, 127 simple assault or assault and battery. More than two thirds of those in prison are merely degraded and vicious, rather than criminal. But, among the graver crimes of which they are accused, may be mentioned 250 homicides, 42 deadly assaults, 12 abortions, 58

cases of arson, 115 of burglary, 203 of grand larceny, and 28 of perjury.

The crimes charged against native prisoners number 42,135 ; against foreigners, 11,034. The ratio of foreign-born prisoners to the foreign-born population of this country is very nearly double that of native prisoners to the native population. About one fifth of all the crime punishable by imprisonment is chargeable to the foreign-born. The foreign population of the country is to the native white population as 2 to 11 ; but foreign crime, as shown in the table given above, is to that committed by native whites as 2 to 5. This statement would, however, if allowed to stand without comment, convey a false impression. The crimes against the person committed by foreigners, when compared with those committed by native whites, are very nearly as 2 to 5. As regards crimes against property, the ratio is about 2 to 7. But, in the matter of offenses against society (most of which are only quasi-criminal in their character), the ratio is a little more than 2 to 2½. In other words, foreign disregard for law shows itself far more in immorality and disorder, than it does in dishonesty or violence.

Nevertheless, the fact remains that the foreign-born do commit more than their share of crimes. Exactly how much more will be clear from the following statement. The total population of the United States in 1880 was 50,155,783, namely : Native whites, 36,843,291 ; foreign whites, 6,559,679 ; colored, 6,752,813. The number of foreign whites was 18.61 per cent. of the number of native whites. If, then, we assume the crime committed by the native whites as a standard of comparison, by which to judge the foreign-born, the latter should be properly chargeable with 231 offenses against the government (actual number, 233) ; against society, 1,798 (actual number, 4,005) ; against the person, 2,026 (actual number, 2,059) ; against property, 5,837 (actual number, 4,732) ; on the high seas, 2 (actual number, 5). The total number of crimes with which they should have been charged would have been 9,894 ; the actual number is 11,034.

The crimes charged against white prisoners number 38,538; against colored prisoners, 14,631. The percentage of the colored population in prison is two and a half times as great as that of the whites, being, for the latter, 964 to the million, but, for the former, 2,480. If, as before, we assume the crime committed by native whites as a standard of comparison, the colored population should be charged with 229 offenses against the government (actual number, 117); against society, 1,782 (actual number, 1,084); against the person, 2,008 (actual number, 3,918); against property, 5,784 (actual number, 9,510); on the high seas, 2 (actual number, 2). The total number of crimes with which they should have been charged would have been 9,805; the actual number is 14,631. The tendency manifested by them to commit crimes against property is fifty per cent. greater than among the native white population. But, if they are much more thievish than the whites, and much more violent, they are at least far more submissive and orderly. Their disregard for the rights of property is a natural consequence of their previous condition of slavery. Their propensity to murderous assaults and affrays may be attributed partly to their strong emotional nature, and partly to the fact that, in their new condition of personal freedom, they have not yet learned to adjust their relations to the stronger race. Notwithstanding their inferior number, they are charged with 1,468 murders, against 2,336 alleged to have been committed by whites (native and foreign); and the number of man-slaughters charged against them is 329, against 524. In the matter of assaults, of all sorts, the account stands 1,486 colored, to 2,408 white. But they are greatly given to violent assaults, being charged with 789 assaults with intent to kill, against 803 white; and with 199 assaults with intent to commit rape, against 274 white. They are charged with 10 out of 31 cases of mayhem, with 423 out of 1,016 cases of rape, and with 348 out of 818 cases of arson. In a word, the tendency of the negro seems to be to crimes of violence, of all descriptions.

Taking the entire prison population together, the offense

of most frequent occurrence is larceny ; next on the list is burglary. Assaults and affrays of all sorts are third. Then follow drunkenness and disorder, murder and manslaughter, offenses against chastity, vagrancy, highway robbery, forgery, rape, and arson, in the numerical order indicated. The amount of punishment inflicted for certain offenses is surprisingly small : there were but 11 persons in prison for illegal voting, and only 12 for smuggling.

It is interesting to note the prevalence of particular offenses in special localities. The largest number of forgers is in prison in Pennsylvania ; of counterfeiters, in New York ; of mail-robbers, in Texas ; of illicit distillers, in North Carolina and Tennessee ; of saloon-keepers, in Maine and Massachusetts ; of drunkards, in New York, Massachusetts, and Pennsylvania ; of disorderly persons, in New York ; of vagrants, in Pennsylvania ; of murderers, in Texas and California. Much the largest amount of imprisonment for offenses against chastity is found in Massachusetts ; it amounts to one fifth of all the cases reported in the United States ; in proportion to the population of the State, the number is so great as to excite astonishment. But, as I have had occasion to remark elsewhere, the amount of imprisonment is not always the measure of the amount of crime ; it may, on the other hand, be the measure of the vigor with which crime is prosecuted, of which we have an illustration in Maine, where the prohibitory law is in force, and the number of persons in prison for the illegal sale of ardent spirits is 24, or one sixth of the entire number in the country at large.

At this point it is proper to remark upon the offenses committed by foreign-born prisoners, according to their several nationalities. Arranged in numerical order, the 12,681 prisoners of foreign birth, whose offenses are stated, come from the following countries : Ireland sends us 5,309 ; Germany, 2,071 ; England, 1,453 ; British America, 1,215 ; China, 526 ; Scotland, 414 ; Mexico, 330 ; Scandinavia (Sweden, Norway, and Denmark), 286 ; France, 247 ; Italy, 170 ; the West Indies, 81 ; Switzerland, 72 ; Wales, 71 ; Austria (including Bohemia and Hungary), 70 ; Poland, 47 ;

Holland, 42 ; Russia, 39 ; Spain, 31 ; South America, 26 ; Australia, 16 ; the East Indies, 14 ; Belgium, 13 ; Portugal, 10 ; Africa, 8 ; Greece, 5 ; the Sandwich Islands, 4 ; Turkey, Malta, and Central America, 3 each ; India, Asia, and the island of St. Helena, 2 each ; Greenland, Bermuda, Ceylon, Japan, New Zealand, and the Azores, 1 each. Fourteen were born at sea ; 7 came from some unknown country in Europe ; and 73 are reported as foreign, but their place of birth is not stated.

In order to a full comprehension of the figures here given, they should be compared with the total population resident in the United States from each of the countries named. From the West Indies, the number of prisoners is 1 in 117 of our West Indian population ; from Spain, 1 in 165 of the Spaniards in this country ; of the South Americans, 1 in 197 ; of the Chinese, 1 in 199 ; of the Italians, 1 in 260 ; of the Australians, 1 in 306 ; of the Irish, 1 in 350 ; of the Scotch, 1 in 411 ; of the French, 1 in 433 ; of the English, 1 in 456 ; of the British Americans, 1 in 590 ; of the Russians, 1 in 916 ; of the Germans, 1 in 949 ; of the Poles, 1 in 1,033 ; of the Welsh, 1 in 1,173 ; of the Belgians, 1 in 1,195 ; of the Swiss, 1 in 1,231 ; of the Hollanders, 1 in 1,383 ; of the Scandinavians, 1 in 1,539 ; and of the Austrians (including the Hungarians and Bohemians), 1 in 1,936. The Hungarians and Bohemians make the best showing, in respect of crime, of any nationality ; this is probably contrary to the popular opinion, which seems to have no better foundation than an unjust prejudice, founded in ignorance.

The table on the opposite page shows the character of crime committed by these several nationalities.

The ratio of crimes against the person, in comparison with crimes against property, is greater among the foreign population than it is even among the negroes, and very much greater than among the native whites. The only nationalities which show a smaller ratio of crimes of passion, and a larger one of crimes of interest, than the native whites, are : British America, England, and Scotland. Those most

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given to crimes of violence, are, in the order named : Italy, Spain, Russia, Switzerland, South America, Holland, and Ireland. The ratio among the Germans is less than among the foreigners generally, but greater than among the Americans.

If a similar comparison is made between offenses against public morals and against public peace, the smallest amount of disorder and the largest of immorality, relatively, are found among the native whites : the most disorder and the least immorality, among the negroes : and the foreigners occupy the middle ground between the two. Speaking generally, there is more disorder among the Swiss, the Mexicans,

Nationality.	Offenses against —								On high seas.
	Government.	Public health.	Public justice.	Public morals.	Public peace.	Public policy.	Person.	Property.	
Ireland . . . . .	56	1	29	1,214	739	533	867	1,461	
Germany . . . . .	59	1	8	161	100	178	387	1,045	3
England . . . . .	39		10	198	104	100	196	714	
British America . . . . .	24		11	153	65	57	165	651	
China . . . . .	33		2	6	1	4	108	330	
Scotland . . . . .	6		4	69	34	37	50	179	
Mexico . . . . .	5			5	7		85	185	
Scandinavia . . . . .	10			14	5	20	60	137	2
France . . . . .	2		1	22	11	12	53	131	
Italy . . . . .	12			7	7	8	85	43	
West Indies . . . . .	2			2	1	3	21	48	
Switzerland . . . . .	2		1	4	6	6	20	30	
Wales . . . . .	3			3	9	4	14	27	
Austria . . . . .	2	3		6		3	14	38	
Poland . . . . .	1			4		1	9	27	
Holland . . . . .				2	3	4	12	20	
Russia . . . . .	1			1		5	14		19
Spain . . . . .	3				2	2	11	9	
South America . . . . .	5				8			13	
Belgium . . . . .				3	1	1	2	6	
Portugal . . . . .						1	2	7	

the Italians, the Scotch, the Germans, and the Irish; but more immorality among the Scandinavians, the Canadians, the Welsh, the French, and the English. Very little importance attaches, however, to this remark, since the majority of offenses included under the head of immorality consists in drunkenness and disorderly conduct; but the majority of offenses against the public peace consists in breach of the peace and disorderly conduct, and most of these may be presumed to have originated largely in intoxication.

Under offenses against public policy, the chief is vagrancy. In this particular, the foreigners surpass both the native whites, and the negroes, particularly the latter. Of 950 vagrants, 644 are Irish, and 174 are Germans. The number of native American vagrants (white) is 826, and of negroes, 174. The Germans alone furnish as many vagrants as the negroes, who are three and a half times as numerous; and the Irish alone furnish nearly as many as the native white population, though the latter are nearly twenty times as numerous.

The total number of sentenced prisoners is 52,394, of whom 30,655 were found in penitentiaries, 7,855 in work-houses, 6,975 in county jails, 1,194 in city prisons, 486 in military prisons, 350 in hospitals for the insane, and 4,879 were leased out.

The leasing of prisoners to private persons, for a pecuniary consideration, is the greatest blot upon our American prison system. It is, in so far as it goes, a virtual abdication of the direct responsibility of the government for the treatment to be accorded to convicts. The best that can be said of it, is that the states which have adopted it do not know what better to do. The leased prisoners are all in the southern states, namely: In Georgia, 1,504; in Texas, 991; in Alabama, 734; in North Carolina, 405; in Mississippi, 353; in Virginia, 338; in Florida, 183; in Tennessee, 154; in South Carolina, 145; and in Louisiana, 72. Some of them are leased by state authorities, for graver crimes; and some by the counties, for simple misdemeanors. Their condition is for the most part deplorable in the ex-



treme, especially in the county chain-gangs. Of this class of convicts, 4,404, or nine tenths, are negroes ; and it is urged, in extenuation of the system, that the states named are unable to furnish suitable labor for negroes inside of prison walls. It is also said that the negro lacks pride of character, and that he does not regard confinement in a penitentiary as particularly disgraceful, nor does he dread it as white prisoners do. The system is, however, so inherently vicious—involving, as it does, an enormous death-rate and an extraordinary number of successful attempts at escape—that it does not meet the approval of the better class of citizens in the southern states ; and it is undoubtedly doomed to speedy extinction.

The presence of 350 insane convicts in hospitals for the insane is another unpleasant fact to contemplate. The insane who have not committed any crimes ought not to be compelled to associate with convicts, sane or insane, and the necessity for their doing so is felt by themselves and by their friends to be an outrage. The excuse offered for the continuance of this practice is that the number of insane convicts in any given state is so small, that it is impracticable to erect special hospitals for their accommodation. But this is not true of all states ; and, if it were, it would seem to me to be a very proper thing for the general government to construct and maintain an institution for insane convicts, to which they might be sent by the states to which they belonged, and these states might be required to pay an equitable charge for their custody and care.

In this connection, I may be permitted to refer to the fact that there are also 397 insane persons confined in our county jails, who are not accused of any crime, of whom 139 are in Virginia and West Virginia. In this regard, these two states occupy a bad preëminence, resulting from their peculiar lunacy laws, which greatly require revision and amendment. Both of these wrongs should be righted at the earliest moment possible.

Of the 52,394 convicted prisoners, 80 were awaiting execution ; 1,615 were sentenced to imprisonment for life ;

30,310 to imprisonment for a term of years; 11,160 to imprisonment for a term of less than one year; 2,031 were working out a fine imposed; and, in 7,198 cases the nature of the sentence was not stated.

The following table shows where the long-term prisoners (those sentenced for life or for a term of years), were found :

Where found.	Totals.	Native white.		Foreign white.		Colored.	
		M.	F.	M.	F.	M.	F.
In penitentiaries . . .	26,951	14,929	231	4,150	112	7,139	390
In county jails . . .	530	286	9	53	2	159	21
In city prisons . . .	11	5	1			4	1
In workhouses . . .	309	167	25	33	13	65	6
Leased out . . .	3,435	336	1	41		2,994	63
In military prisons . . .	468	321		110		37	
In insane hospitals . . .	221	82	3	99	13	24	
Totals . . .	31,925	16,126	270	4,486	140	10,422	481

The number of long-term prisoners who belong to the negro race is more than double that of the foreigners, although the number of foreigners and of negroes in the United States is very nearly equal. The two together furnish very nearly as many prisoners of this grade as the total native white population.

The following table shows the duration of sentences by years :

Sentences.	Totals.	Native white.		Foreign white.		Colored.	
		M.	F.	M.	F.	M.	F.
One year . . . . .	3,647	1,988	66	538	47	927	81
Two years . . . . .	6,028	3,395	64	859	38	1,574	98
Three years . . . . .	5,026	2,753	37	662	9	1,507	58
Four years . . . . .	2,355	1,309	9	329	6	683	19
Five years . . . . .	5,112	2,536	25	653	10	1,813	75
Six years . . . . .	1,021	507	7	151	3	333	20
Seven years . . . . .	1,291	595	9	179	1	493	14
Eight years . . . . .	653	290	5	99	1	246	12
Nine years . . . . .	206	108		28		69	1
Ten years . . . . .	2,316	929	12	305	4	1,029	37
Eleven years . . . . .	77	39		12		23	3

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Sentences.	Totals.	Native white.		Foreign white.		Colored.	
		M.	F.	M.	F.	M.	F.
Twelve years . . .	337	159	1	54	1	118	4
Thirteen years . . .	89	44		11		34	
Fourteen years . . .	153	80	2	28		40	3
Fifteen years . . .	657	271	4	89	1	285	7
Sixteen years . . .	65	20		10	1	34	
Seventeen years . . .	62	20		12		30	
Eighteen years . . .	137	52		10		70	5
Nineteen years . . .	26	14		2		10	
Twenty years . . .	537	186	3	81		261	
Twenty-one years . . .	120	47		7		64	
Twenty-two years . . .	10	4		2		3	1
Twenty-three years . . .	10	2		1		7	
Twenty-four years . . .	23	14		3		6	
Twenty-five years . . .	102	55		12		34	1
Twenty-six years . . .	2			2			
Twenty-seven years . . .	6	2		2		2	
Twenty-eight years . . .	5					5	
Twenty-nine years . . .	2			1		1	
Thirty years . . .	73	33	1	7		32	
Thirty-one years . . .	1	1				1	
Thirty-two years . . .	1					1	
Thirty-three years . . .	3	2				1	
Thirty-four years . . .	4	2		1		1	
Thirty-five years . . .	9	1		4		4	
Thirty-six years . . .	2	1				1	
Thirty-eight years . . .	1					1	
Forty years . . .	18	7		4		7	
Forty-two years . . .	1					1	
Forty-three years . . .	1			1			
Forty-five years . . .	5	3		1		1	
Forty-six years . . .	1					1	
Forty-seven years . . .	1					1	
Forty-eight years . . .	1					1	
Fifty years . . .	18	4		3		11	
Fifty-four years . . .	1	1					
Fifty-five years . . .	3	1				2	
Sixty years . . .	5	2				2	1
Sixty-one years . . .	1	1					
Seventy-five years . . .	3					3	
Ninety-nine years . . .	82	35		4		40	3
Life . . .	1,615	613	25	320	18	609	30
Totals . . .	31,925	16,126	270	4,486	140	10,422	481

The favorite sentence seems to be two years ; then five, then three, then one, then four, then ten. There is throughout a tendency apparent to choose sentences, the numbers representing which terminate in the figure five or a cipher.

The total amount of imprisonment ordered by the courts, for all of these convicts, (not including the life-prisoners), is 165,892 years. The native white convicts (male) receive 76,900 years, (female) 921 years ; foreign-born whites (male) 21,827, (female) 340 ; colored (male) 62,925, (female) 2,979.

By dividing the total number of years of imprisonment assigned to each of these subdivisions by the number of the convicts in each, we obtain the average sentences, as follows : Native white (male) 4.95 years, (female) 3.75 ; foreign-born white (male) 5.23, (female) 2.78 ; colored, (male) 6.41, (female) 5.50 ; for all classes, 5.45. The colored convict receives, on the average, a sentence one year longer than that given to a white convict. The average sentence of the foreign-born white convict is, on the whole, a trifle shorter than that pronounced against the native white ; if the foreign-born prisoner is a man, he receives a somewhat longer sentence, but a foreign-born woman receives one year less than her native sister.

The total number of short-term prisoners is 11,160, of whom 1,243 were found in penitentiaries, 3,257 in county jails, 534 in city prisons, 5,834 in workhouses, 5 in military prisons, 9 in hospitals for the insane, and 278 were leased out. It is evident that although, as a rule, penitentiaries are supposed to be for convicts sentenced to a long term of imprisonment, for felonies ; city prisons and workhouses are supposed to be for convicts sentenced to short terms of imprisonment, for misdemeanors ; and county jails are primarily and principally places of detention for prisoners awaiting trial ; yet this rule in practice has many exceptions. Of the population of the city prisons and county jails it may roughly be said that one half are awaiting trial, the other half serving sentence : jail sentences are usually for less than one year, but, as we have seen, there are 530 convicts in jails, and 11 in city prisons, whose sentences are for more than one year.

The states which commit to a penitentiary for a shorter term than one year are : Connecticut, Michigan, New Jersey, New York, and Pennsylvania ; to which we must add Washington Territory.

The average short-term sentence, for the United States, is 197 days, or three months and a half. The average sentence for native white males is 219 days, for females 166 days ; for foreign-born white males 188, females 140 ; for colored males 228, females 116.

The statement just made is based upon the tables published in the census ; but it is evident that there is some misunderstanding or mistake in the tables themselves, for the average sentence to "imprisonment for less than one year" is, in some states, represented to be for more than one year. The amount of this error is probably not serious, and does not materially affect the general result. The average sentences by states and territories are as follows : Alabama, 437 days ; Massachusetts, 379 ; Wisconsin, 353 ; Rhode Island, 321 ; Pennsylvania, 291 ; Delaware, 253 ; Georgia, 228 ; Maryland, 219 ; New Mexico, 212 ; Maine, 206 ; Utah, 182 ; Illinois, 179 ; South Carolina, 167 ; California, 154 ; North Carolina, 150 ; Missouri, 147 ; Louisiana, 142 ; Arkansas and Nevada, 137 each ; Virginia, 131 ; Tennessee, 130 ; Kansas, 129 ; Iowa and West Virginia, 122 each ; Connecticut and Vermont, 115 each ; Florida and New Jersey, 110 each ; Mississippi, 107 ; Idaho, 103 ; Michigan, 102 ; New Hampshire, 101 ; Dakota, 95 ; New York, 94 ; Minnesota, 93 ; the District of Columbia and Kentucky, 89 each ; Washington Territory, 81 ; Ohio, 69 ; Montana, 62 ; Texas, 58 ; Nebraska and Oregon, 42 each ; Indiana, 41 ; Colorado, 27 ; and Wyoming, 17. Some states are evidently much more rigid in dealing with misdemeanants than are others.

I have searched the census tables, in order to see if I could find any evidence of any connection between the length of sentences imposed upon misdemeanants and the number of prisoners, relatively to the population, in the several states. If the jails exert a deterrent influence, it

would be natural to suppose that, where the longest jail sentences are given, the number of prisoners should correspondingly diminish. If, on the other hand, the jails are schools of crime, and their influence is rather corrupting than deterrent, the reverse would be true. Again, it might be supposed that, where crime is more than ordinarily prevalent, the punishment should be proportionately severe, in order to check it ; or it might happen that familiarity with crime would render the courts more lenient in dealing with it. Finally, it might be thought that long jail sentences are an indication of a spirit of judicial severity towards offenders, which would equally affect the sentences for felonies and the total number of prisoners in a state. But, so far as my researches have gone, I have not discovered any connection between the figures which would warrant us in adapting or rejecting either of these suppositions. Apparently, the length of jail sentences pronounced by the courts has no effect either to increase or diminish crime. If this is so, the question arises : Except as places of detention for persons charged with felony, while awaiting trial, what useful purpose do our jails subserve ?

According to the census returns, fines have been imposed upon 1,005 prisoners in penitentiaries, 1,527 in county jails, 482 in city prisons, 2,105 in workhouses, and 119 who are leased out. The number of native white males fined is 3,460 ; aggregate amount, \$269,349.05 ; average, \$149.49. Native white females, 289 ; amount, \$10,572.89 ; average, \$35.89. Foreign-born male whites, 1,204 ; amount, \$83,771.80 ; average, \$69.58. Foreign-born female whites, 360 ; amount, \$8,978.47 ; average, \$24.94. Colored males, 731 ; amount, \$72,953.48 ; average, \$99.80. Colored females, 134 ; amount, \$6,996.92 ; average, \$52.22. To what extent these fines were imposed in addition to a term of imprisonment, and how far the imprisonment was for the purpose of discharging the fine, at a given rate per day, does not appear. Nor am I able to explain the fines imposed upon the inmates of penitentiaries.

The following comparison between the total sentences

imposed and the duration of the incarceration of prisoners, from the date of their commitment until the first of June, 1880, will be found of interest. Without incumbering this statement by giving the number of cases reported and the number of days of incarceration for each, it is enough to say that the average term of imprisonment actually suffered by prisoners of all descriptions, at the date of taking the census, had been 1 year and 111 days. Of those leased out, it had been 2 years and 44 days; of those in penitentiaries, 1 year and 290 days; of those in military prisons, 236 days; of those in workhouses and houses of correction, 107 days; of those in county jails, 101 days; and of those in city prisons, 47 days. But, of those committed to hospitals for the insane, it had been 6 years and 173 days.

It will, of course, be understood that the figures just given do not represent sentences, but only the time already spent in prison while awaiting trial, or while under sentence, to date. It may be assumed that, in penitentiaries and workhouses, also of those leased out, all prisoners reported are serving sentence; but, in jails or city prisons, one half or more of those reported are awaiting trial. We have seen that the average long term of sentence is very nearly five years. Since the average term of imprisonment already undergone in penitentiaries is a little over one year and nine months, it would appear that the convicts in penitentiaries have, on an average, served about one third of their nominal sentences, and have two thirds still to serve. But, owing to the operation of what are known as good-time laws, it is probable that the nominal sentences represent from one fourth to one third more imprisonment than will be exacted by law. In that event, it would not be far from the truth to say that, on the average, convicts in penitentiaries have in fact served about one half of their time, or a little less; the average expectation of imprisonment still to be endured does not, for them, exceed two years.

Since the average short sentence is 197 days, and the average imprisonment already undergone in county jails is 101 days, it is *prima facie* reasonable to suppose that the

inmates of jails have also served about one half the sentences prescribed by the courts. It is, however, impossible to determine from the census tables how much of the time credited is for sentenced, and how much for unsentenced, prisoners. But, assuming that the duration of imprisonment already suffered is not much greater for the sentenced than for the unsentenced, the needless and unprofitable delays in the administration of criminal justice are brought into full relief. To those who know the organization, discipline, and interior life of our common jails, the thought that the innocent, as well as the guilty, who are so unfortunate as to be arrested and thrown in prison upon a criminal charge, are subjected to 100 days of jail life, with its freedom of association and its compulsory idleness, is distressing. The unanimous opinion of experts in penology condemns the American jail system as costly, inefficient, and very corrupting in its influence. It is a wonder that the jails do not breed and graduate more habitual, hardened offenders than they actually do.

From the length of time that the insane convicts remain in hospitals for the insane (and the time already spent by them in these institutions averages very nearly six years and a half, or one year more than the average length of sentence to a penitentiary, and how much longer they will remain, it is impossible even to guess), it necessarily follows that the majority of insane convicts are retained in the hospitals after their term of sentence has expired. It must be remembered that they are not transferred from the prison to hospital, except as a last resort, when no possible doubt as to their insanity can any longer find a lodging in the minds of the prison officials who have them in charge.

The migratory habits of the criminal class are illustrated by the fact that, of 69,471 prisoners, 4,767 claim a legal residence in some other state or territory than that in which they are incarcerated, as follows: New York, 533; Ohio, 477; Michigan, 417; Kansas, 364; Indiana, 359; Pennsylvania, 343; Illinois, 310; Maryland, 184; Nebraska, 168; Iowa, 167; Virginia, 153; North Carolina, 132;



Massachusetts, 124 ; Wisconsin, 112 ; Missouri, 107 ; Texas, 104 ; Arkansas, 90 ; Kentucky, 71 ; District of Columbia, 62 ; West Virginia, 60 ; New Hampshire, 54 ; Wyoming, 41 ; Connecticut, 36 ; Vermont, 31 ; Tennessee, 28 ; Colorado and Minnesota, 26 each ; Georgia, 24 ; Dakota and New Jersey, 21 each ; Rhode Island and South Carolina, 19 each ; California, 11 ; Louisiana, Florida, and Maine, 10 each ; Idaho, 9 ; Arizona, 8 ; Mississippi, 7 ; Alabama and New Mexico, 5 each ; Delaware, 3 ; Washington, 2 ; and Oregon, 1.

To these must be added prisoners claiming a residence in some foreign country, of whom there are 606.

The states which furnish the largest number of convicts to the prisons of other states are : New York, 696 ; Pennsylvania, 437 ; Ohio, 363 ; Massachusetts, 322 ; Illinois, 280 ; District of Columbia, 245 ; Virginia, 230 ; Kentucky, 203 ; Missouri, 195 ; New Jersey, 156 ; Indiana, 129 ; Maryland, 126 ; and North Carolina, 115. The large number from the southern states named, would indicate that a considerable proportion of the migratory prisoners must belong to the negro race. The number reported to have residence in the Indian Territory is 99.

To the above information relating to prisoners some interesting facts as to the inmates of reformatory institutions for juvenile delinquents may here be added.

The number of juvenile delinquents returned in the census is 11,468, of whom 9,258 are boys, and 2,210 are girls ; 10,461 are natives, and 1,007 are foreign-born ; 10,220 are white, and 1,248 are colored.

It will be observed that a very much larger proportion of girls are sent to a reformatory, than of women to prison ; also, that the proportion of foreign and of colored inmates of these institutions is very much less than that of prisoners. Among the colored are included 5 Chinese and 13 Indians.

The average age of these children, on the day when the census was taken, was thirteen years and a half. At that date they had been in custody, on an average, for 2 years and 10 days each. Their average age, therefore, at the date

of commitment, must have been eleven and a half years. It is noticeable that the girls are somewhat older than the boys, and that they have been in custody for a longer period. The boys have been in custody for a little less than two years, but the girls for two years and a half, from which it follows that they are taken at an earlier age and that they are retained longer in the institutions than are the boys.

The offenses with which they are charged are not, for the most part, serious ; but they are the result of youthful folly, vicious surroundings, and the want of parental restraint. The charges against them have been reported in 10,021 cases, of which 4,285, or 42.6 per cent., are insusceptible of classification according to the scheme of nomenclature adopted for adult prisoners ; 2,363 were committed for disobedience and incorrigibility ; for truancy, 461 ; vicious habits or surroundings, 361 ; want of a home, 141 ; running away, 49 ; and idleness, 3. Of the 6,643 offenses which can be compared with those committed by adults, 2,756 were simple vagrancy ; 2,735, larceny ; 365, burglary or attempt to commit burglary ; 303, disorderly conduct ; 135, assault of all sorts ; 64, indecent exposure ; and 57, malicious mischief. Of the girls, 39 are reported to be common prostitutes. Of grave crimes, there are charged against the inmates for juvenile reformatories, 13 cases of homicide, 35 of arson, 19 of robbery, 10 of forgery, and 3 of rape. As will be seen, the great mass of them ought, under proper training and religious influence, to be reclaimed to society.

A number of states have thus far failed to provide themselves with institutions of this class, namely : Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Kansas, Mississippi, Nebraska, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Virginia, and West Virginia. Several of them have, however, supplied this deficiency by the creation of new institutions since the taking of the census.

I conclude this paper by a brief résumé of facts ascertained with regard to the operation of police departments in towns containing more than 5,000 inhabitants.

For the figures given in the census table, I substitute estimates of my own, which I have made by inserting, where the municipal authorities have failed to furnish information, the probable figures.

The table includes returns from 492 towns, with a total population of 12,669,181, or nearly one fourth of the population of the United States.

The total number of square miles included within the area of these towns is about 7,500; and of this, probably one half is patrolled. Of course the ratio is larger in the large cities. The ten cities which stand at the top of the list contain more than one third of the population included within the table, and have more than one half of the entire police force. The ratio of policemen in these cities to inhabitants is about 1 to 620; and, presumably, there are about 20 to the square mile.

The total police force consists of about 15,000, of whom 2,000 are officers, and 13,000 men. This is about in the ratio of 1 policeman to 850 inhabitants, or 4 policemen to each square mile patrolled.

The number of arrests exceeds 650,000, or fifty to each patrolman, or more than one to every twenty inhabitants. The enormous number of arrests, compared with the prison population, suggests the thought that either too many persons are arrested who are innocent of any offense, or too few are punished of those really guilty. Probably both statements are true; but there can be no question in the minds of those who have given this subject attention, that the police are too free in the exercise of the power of making arrests which is vested in them. Many persons are undoubtedly arrested on suspicion, without warrant, and, after having been subjected to this ignominy, are allowed to go free, without trial; many more are hauled before the police magistrates and dismissed, on the ground that the charges against them are of trivial consequence, or not sustained by legal evidence. The injury done in this way to the self-respect of those arrested is beyond calculation, and doubtless many persons have been thus led into a life of crime,

who might otherwise have remained in a state of legal innocence. The practice followed, in some cities, of paying fees for arrests, or otherwise rewarding patrolmen for making them, is inherently vicious, and, wherever it exists, should be summarily suppressed.

The total annual cost of the police departments may be placed at very nearly \$15,000,000, or about \$1,000 to each man and officer employed. It is equivalent to a per capita tax of 11 or 12 cents. In the larger cities, of course, it is very much higher, amounting to \$2.70 per capita in Boston, and \$2.24 in New York. For the ten largest cities, it amounts to about \$1.75 per capita, and aggregates \$8,500,000.

The revenues derived by municipalities from licenses to sell liquor may be estimated at \$1,500,000, or one tenth of the total cost of the police departments.

The number of liquor-saloons in these 492 towns is about 80,000, or about 1 to every 160 inhabitants. This statement will convey a false impression, if the reader does not consider that, especially in rural districts, the liquor-saloons in the county seats supply the demand which exists in the country around, and that, even in large cities, a very considerable proportion of the liquor purchased is drunk by non-residents, or carried away for home consumption. The liquor business is principally confined to towns. But, if there were no more drinking-places in the country, 80,000 would be equivalent to about one for every 625 inhabitants in the United States, or one for every 320 of the adult population. In my judgment, the total number of drinking-places cannot, by any possibility, exceed 100,000, or one for every 250 adult inhabitants. The number of towns which report that they grant no license is very small. The list is as follows: Cincinnati, Dayton, Davenport, Springfield (Ohio), Gloucester, Lewiston, Haverhill, Zanesville, Bangor, Youngstown, Nashua, Steubenville, Malden, Danbury, Burlington (Vermont), Mansfield, Portsmouth (New Hampshire), Newark (Ohio), Ironton, Marblehead, Spencer, St. Albans, Xenia, Delaware, Cumberland (Rhode Island), Bris-

tol (Rhode Island), Norwalk (Ohio), Galion, Pomeroy, Watertown (New Jersey), and Monmouth. There must be others which have not reported; for instance, nothing is said by the police authorities of Portland, Maine, on this subject.

Houses of prostitution, to the number of 4,067, are reported in 185 towns; in 94 other towns there are said to be none. From 213 towns we have no information. If any value is to be attached to the statements made by the heads of police departments (and I do not see how it is possible to refuse to them a certain amount of credence), the number of such houses cannot exceed 5,000 or 6,000; and, on the supposition that, in the large and small places taken together, the number of inmates averages five, there are not, in the United States (at least in towns of more than 5,000 inhabitants), more than 30,000 prostitutes of this open description. Those who think this estimate too low may improve upon it, if they have the facts at command to sustain a contrary opinion. The largest number of houses of prostitution is returned from the city of Philadelphia, where there are admitted to be 517 such establishments known to the police. New Orleans confesses to 365; Baltimore to 300; Chicago to 200; but New York to only 183. None are reported from such large cities as St. Louis, Cleveland, Washington, Detroit, Providence, Albany, Allegheny, Indianapolis, New Haven, and Kansas City; the municipal authorities simply fail to make any answer to the question addressed to them on the subject. A number of towns say distinctly that there are no such establishments within their limits, and I give a list of them, at the head of which stands the city of Brooklyn, where the chief of police insists that his statement must be accepted as literally and absolutely correct. The other towns which say that they are free from this curse are: Jersey City, Lowell, Cambridge, Paterson, Lawrence, Lynn, Hoboken, Elizabeth, Erie, Bridgeport, Salem, Somerville, Davenport, Chelsea, Newport (Kentucky), Cohoes, Lewiston, Yonkers, Meriden, Chester, Newburyport, Pittsfield, Orange, Rockford, Norristown, Biddeford, Malden, Aurora, Waltham, Galesburg, Hannibal, Woburn, Belleville, Quincy

(Massachusetts), Weymouth, Ogdensburg, Shenandoah, Alton, Jeffersonville (Indiana), East St. Louis, Peabody, Janesville, Meadville, Elgin, Lawrence (Kansas), Beverly, Johnstown, Hornellsville, Plainfield, Brookline, Clinton (Massachusetts), Watertown, Bath, La Salle, Ottawa, Moline, Carbondale (Pennsylvania), Rockland (Maine), Westfield (Massachusetts), Medford, Pittston, Spencer, Stonington, West Chester, Manistee, Vernon, Middletown (Connecticut), Flushing, Sing Sing, Passaic, Southbridge, Galena, West Bay City—total, 74. If these towns are as virtuous as they claim to be, they are indeed fortunate; if not, the police are blind.

The imperfection of these police statistics is demonstrated by the single fact that they return only 294 homicides within the year. The number of incendiary fires reported was 1,408; of houses entered, 2,771; of lost children, 18,311; and of lodgings in station houses, 550,760. But these returns are for a portion of the country only. The number of lodgers very nearly approximates that of arrests reported, which was 567,731; in New York, Philadelphia, Brooklyn, Cincinnati, New Orleans, Newark, Jersey City, Detroit, Worcester, Cambridge, Paterson, Toledo, Fall River, Trenton, and many other places, the number of lodgers exceeds that of arrests. But in Chicago, Boston, Baltimore, San Francisco, Buffalo, and elsewhere, the number of arrests exceeds that of lodgers. The difference is very marked in Boston, where the establishment of a wayfarers' home has done much to break up this form of vagrancy. It is also very noticeable in San Francisco, but there the climate is such as to render it safe for the vagrant to sleep out-of-doors almost any night in the year.

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